
Introduced by Senator Simitian

February 17, 2005

An act to amend Section 25354.5 of the Health and Safety Code, relating to hazardous substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 421, as introduced, Simitian. Hazardous substances: methamphetamine labs.

Existing law requires the Department of Toxic Substances Control to take removal actions with respect to a hazardous substance that is an illegal controlled substance, a precursor of a controlled substance, or a material intended to be used in the unlawful manufacture of controlled substances, and the department is authorized to expend funds appropriated from the Illegal Drug Lab Cleanup Account in the General Fund for this purpose.

The department is authorized to enter into an oral contract of up to \$10,000, when, in the judgment of the department, immediate corrective action to a hazardous substance subject to this requirement is necessary to remedy or prevent an emergency.

This bill would increase the amount of an oral contract that the department is authorized to enter into under those circumstances, to \$15,000.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25354.5 of the Health and Safety Code
2 is amended to read:

25354.5. (a) Any state or local law enforcement officer or investigator or other law enforcement agency employee who, in the course of an official investigation or enforcement action regarding the manufacture of any illegal controlled substance, comes in contact with, or is aware of, the presence of a substance that the person suspects is a hazardous substance at a site where an illegal controlled substance is or was manufactured, shall notify the department for the purpose of taking removal action, as necessary, to prevent, minimize, or mitigate damage that might otherwise result from the release or threatened release of the hazardous substance, except for samples required under Section 11479.5 to be kept for evidentiary purposes.

(b) (1) Notwithstanding any other provision of law, upon receipt of a notification pursuant to subdivision (a), the department shall take removal action, as necessary, with respect to any hazardous substance that is an illegal controlled substance, a precursor of a controlled substance, a material intended to be used in the unlawful manufacture of a controlled substance and any container for such a material, a waste material from the unlawful manufacture of a controlled substance, or any other item contaminated with a hazardous substance used or intended to be used in the manufacture of a controlled substance. The department may expend funds appropriated from the Illegal Drug Lab Cleanup Account created pursuant to subdivision (e) to pay the costs of removal actions required by this section. The department may enter into oral contracts, not to exceed ~~ten thousand dollars (\$10,000)~~ *fifteen thousand dollars (\$15,000)* in obligation, when, in the judgment of the department, immediate corrective action to a hazardous substance subject to this section is necessary to remedy or prevent an emergency.

(2) The department shall, as soon as the information is available, report the location of any removal action that will be carried out pursuant to paragraph (1), and the time that the removal action will be carried out, to the local environmental health officer within whose jurisdiction the removal action will take place, if the local environmental officer does both of the following:

(A) Requests, in writing, that the department report this information to the local environmental health officer.

1 (B) Provides the department with a single 24-hour telephone
2 number to which the information can be reported.

3 (c) (1) For purposes of Chapter 6.5 (commencing with
4 Section 25100) or this chapter, any person who is found to have
5 operated a site for the purpose of manufacturing an illegal
6 controlled substance or a precursor of an illegal controlled
7 substance is the generator of any hazardous substance at, or
8 released from, the site that is subject to removal action pursuant
9 to this section.

10 (2) During the removal action, for purposes of complying with
11 the manifest requirements in Section 25160, the department, the
12 county health department, the local environmental health officer,
13 or their designee may sign the hazardous waste manifest as the
14 generator of the hazardous waste. In carrying out that action, the
15 department, the county health department, the local
16 environmental health officer, or their designee shall be
17 considered to have acted in furtherance of their statutory
18 responsibilities to protect the public health and safety and the
19 environment from the release, or threatened release, of hazardous
20 substances, and the department, the county health department, the
21 local environmental health officer, or their designee are not
22 responsible parties for the release or threatened release of the
23 hazardous substances.

24 (3) The officer, investigator, or agency employee specified in
25 subdivision (a) is not a responsible party for the release or
26 threatened release of any hazardous substances at, or released
27 from, the site.

28 (d) The department may adopt regulations to implement this
29 section in consultation with appropriate law enforcement and
30 local environmental agencies.

31 (e) The Illegal Drug Lab Cleanup Account is hereby created in
32 the General Fund and the department may expend any money in
33 the account, upon appropriation by the Legislature, to carry out
34 the removal actions required by this section. The account shall be
35 funded by moneys appropriated directly from the General Fund.

36 (f) The responsibilities assigned to the department by this
37 section apply only to the extent that sufficient funding is made
38 available for that purpose.

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